

**Meetings of the Seimas of the Lithuanian Republic and the Committee
of the representatives of the US Lithuanian Community**

March 6 – 10, 2000

The Seimas, House I, the Constitution Hall

March 6, Monday

9.00 INVOCATION

- Priest

Opening

- Arvydas Vidžiūnas, Vice – chairman of the Seimas
- Donatas Skučas, Chairman of the 15th Council Prezidium of the Us Lithuanian Community
- Gabrielius Žemkalnis, representative of the World Lithuanian Community in Lithuania
- Prof. Feliksas Palubinskas, Chairman of the Committee
- Liūda Rugienienė, Chairman of the Committee

9.45 Adoption of the agenda

10.00 LAW, JUSTICE AND LEGAL ETHICS IN LITHUANIA

- Pat Streeter (Comparison of the behavior of Lithuanian lawyers with that of the EU and the USA)

Statements and discussions of Lithuanian representatives

- Vytautas Greičius, Chairman of the Supreme Court
- Kazys Pėdnyčia, Procurator General – not present
- Gintaras Balčiūnas, Minister of Justice
- Gintaras Švedas, Vice-minister of Justice – not present
- Kazimieras Motieka, Notary Public

12.00 Lunch break

14.00 PROBLEMS OF THE LITHUANIAN CITIZENSHIP

- Donatas Skučas, Chairman of the 15th Council Prezidium of the US Lithuanian Community
- Vidmantas Žiemelis, member of the Seimas of the Lithuanian Republic

- Armanas Abramavičius, President's Councillor, Director of the Department of Law
- Dr. Toma Birmantienė, Director of the Center of Human Rights

Law, justice and legal ethics in Lithuania. The speaker will be introduced by Mrs. R. Narušienė. Go ahead, please.

R. NARUŠIENĖ. The subject of law, justice and legal ethics in Lithuania is very broad. It would take a week or two to cover it and then it would be necessary to revise it in a few months, for it is impossible to reveal a good discussion in a short time period. Therefore we wanted to narrow this subject a little bit and to provide you with a limited subject which is Behavior and ethics of lawyers and how the ethical rules of Lithuanian lawyers meet the requirements and standards of the European Union. Our committee has invited Pat Streeter to present this comparison and subject. Her roots and relatives are from Lithuania and she visits Lithuania at least once a year since the restoration of Lithuanian independence. She is a notary public who has a license in Michigan and Illinois, the USA. She has been a notary public for ten years and she has come back recently since the restoration of Lithuanian independence to acquire the specialty in the field of the Law of International Business and Foreign Trade. She is now the vice-president of the US Lithuanian Society and she will become its president in April. This Society was established together with the independence in order to help and support the lawyers in Lithuania. She took part in the Second Congress of the World Lithuanian Lawyers in Vilnius in 1996, and she began her career in the Vytautas Magnus University, the Department of Law since September, 1999 till now.

We have also invited Mark Regal, though he will not come. He had been a representative of the American Lawyers' Society here in Lithuania for a long time and now as a messenger he is working on a project of the American Government (...), that is of democracy. He is acquainted with and he gives lectures on Ethics in the Vytautas Magnus University, School of Law. I think, he will say a word, still the speaker today is Pat Streeter.

Despite the fact that Pat Streeter knows Lithuanian, just as it happens very often when it is difficult to communicate in good Lithuanian after acquiring a specialty, she will speak English and the translations as far as I know will be delivered through these microphones. If you can, please put them on because the translation will be at the same time and there is a woman there who will make this translation. If you can, please put them on because she can begin speaking anytime. Let's wait for several minutes.

CHAIRMAN. Thank you. I would also like to introduce other participants in this discussion. They are the Chairman of the Supreme Court V. Greičius, the Minister of Justice G. Balčiūnas, Notary Public K. Motieka and the representative of the General prosecuting magistracy (please, tell us your name) Kovarskas. Thank you very much. Pat Streeter, you can deliver your speech now.

PAT STREETER. Thank you. I have made a summary of some comments and you can see it on this board. First of all, I would like to say that after the restoration of Lithuanian independence in 1991, the Lithuanian legal system was essentially similar to the Soviet legal system when lawyers most often used to get certain instructions and they could not make their own, that is independent, decisions and they really had to rely on thrust standards of their behavior. Thus, they were not so respected and in order to

change the situation, they had to render an account by their associations. A group of lawyers was made out of their colleagues and it was discussed if that lawyer had violated the standards of behavior. If this happened, they used to implement a certain penalty – or a reprimand, or a fine, or they were directed to improve their knowledge, or simply they were forbidden to continue their activity.

Representatives of the European Union states gathered in 1997 and discussed the basic ethical regulations of their profession and agreed upon minimal ethical regulations that would be valid for all the lawyers of the European Union and would be applied in all the areas of international cases. They were valid not only for international cases, but the member states had to keep up with them as well. That means, if Lithuania wants to become a member of the European Union, the Lithuanian Government should look over the ethical regulations of lawyers applied in the European Union and should meet them. We can say that ethical codes of other states are rather alike and perhaps the ethical codes of Lithuanian lawyers should follow them. However, if Lithuanian lawyers would like to cooperate more actively with foreign lawyers, they should take an interest themselves and follow these regulations.

In 1990 – 1999 Lithuania adopted a new Code on Legal Ethics by which the latter ethical codes were renewed. It should be noted however, that the 1999 Code does not assume a certain sequence of procedures that is, who could appeal against the behavior of lawyers – a public representative, a judge or a public prosecutor and who could determine if the lawyer had violated a certain regulation. It is of great importance to know how to determine whether a lawyer is acting not in a proper way and how to respond to this.

Some areas of the Ethical Code have some disadvantages when comparing Lithuanian Code with that of the European Union. First of all, it is not clear what that code comprises. In Lithuania there are two types of court employees and lawyers. Indeed it is not clear what professional fields are included, are they lawyers in courts or some other lawyers and how the regulations of their professional work are reflected. It doesn't matter what professional groups have been foreseen, it is important to explain clearly the standards of their working ethics that would be acceptable in public as well.

Secondly, we should discuss their independence. The European Code requires that a lawyer can't be influenced by any factors. He can be influenced neither by personal interests nor by external factors. It means that due to this influence they shouldn't violate the regulations of professional work in order to ingratiate with a client or a court or with some other third side. The Lithuanian Code comprises general regulations, however it does not include very important aspects that define that particular personal influence on a lawyer.

Third, we should overview the field and aspect of confidence. Again the Lithuanian Code provides with regulations on confidence. It is required that a lawyer wouldn't reveal the information that is confident and related to his / her activities without getting approval of the person that provided this information. Despite of this, the European Union Code states that the confidence is defined by the client himself, and its regulation is applicable only for the client rather than for another person who provides this information. It is not restricted in terms of time either, and the confidence has to be maintained after the case has been solved as well.

Fourth, referring to the client's accounts and funds, it is money. The Lithuanian Code doesn't mention this question. It should be assumed that the client's money should

be kept on a separate account, and all this needs particular regulations and particular standards how this money should be kept and how it can be withdrawn out of the account. It is very important for the lawyers not to get confused by his / her own money with that of the client.

The fifth item is the field of insurance of the professional liability. The European Union Code now requires that all the lawyers who arrange certain affairs related with states should have insurance from the cases in which they took wrong conclusions. Nothing is written about this in the Lithuanian Code. Although it can be not just a requirement because it is a certain concept which Lithuanian lawyers should be acquainted with. Also it could be very important in increasing the public confidence in the legal system.

The sixth item is feasible, reasonable and affordable prices. The Lithuanian Code does not mention this at all. Taxes should be completely revealed to the client, they must be correct and based on the corresponding work. I would like to repeat myself that Lithuanian lawyers act somehow not properly in this point of view. It is simply one way to write down these issues in documents and public, therefore, could see how lawyers follow the ethical rules and how they behave ethically.

The seventh item is relations with courts. The European Union standards rise the requirement that a lawyer does not have a right to provide the court with wrong or misleading information. Moreover, it must be assured that he couldn't maintain one-side relations with the judge. This definitely means that at any time instance whenever a lawyer wishes to communicate with or to talk to the judge, he has to inform the other party about it.

The eighth item is competence. The Lithuanian Code states that a lawyer has to give up his work or assignment that turns out to be too difficult for him. In other legal systems, including that of the European Union, if a lawyer encounters a new or unknown area of work he can consult an expert. It means that a lawyer can obtain that competence by communicating with such a lawyer who is acquainted with a particular issue.

The ninth item is unapproved and non-licensed legal practice. The code doesn't particularly mention this, however it is very important for the lawyers who represent other states. These lawyers want to be certain that they are working with qualified and experienced professionals in the field of Law and that a particular jurist or lawyer is exactly that man, whom a lawyer, for example from France or Germany, has to work with, and that this lawyer can work with a Lithuanian. Furthermore, will it be possible for foreign lawyers who arrive in Lithuania and give advice to check in as consultants in the field of foreign law. In many countries foreign lawyers are allowed to cooperate with a defined number of lawyers together with those who have a local license. This is only one area that, in my opinion, should be considered by the Government in order to attract more direct foreign investments.

Finally I would like to point out the tenth item that is fidelity and loyalty to the client. Referring to the Lithuanian Ethical Code, it is not clear that basically the primary lawyer's responsibility is to represent the client. It should be pointed out clearly that every person who wants to hire a lawyer would know that all the lawyer's activity is strictly controlled and based on the loyalty to the client. There should be some guarantee that the lawyer didn't get certain information that could be transferred or sold to another person or it couldn't be employed in a way so that it was possible to earn some money. I

am not saying that this happens today, nevertheless, these ethical requirements have to be reported in the written form in order to develop the public confidence.

In conclusion, I would like to say that it is very important for these ethical concepts to be considered by the Lithuanian Government and thus to increase the public confidence in the legal system and to create that is called throughout the world 'the clearness of legal operations'. If I am an American lawyer and wish to give some question to Lithuanian lawyers, I would like to know that I am working with an experienced, skilled and licensed professional. I have to be sure that he will behave ethically and follow the ethical principles, otherwise I have to be certain that other Lithuanians will do something in order to improve this situation and their improper behavior. So these are my conclusions. Thank you very much for your attention.

CHAIRMAN. Thank you for the report.

Would you like to add anything? Go ahead, please.

... I had an honor to observe how the profession of a Lithuanian lawyer was developing for six years. I would like to make some remarks in addition to what my colleague has already said. I would like to suggest how to implement these ideas.

One of more important aspects of this profession as Pat Streeter has already explained to us is the idea of self – control, or self – control itself. According to the experience of many countries, though there are obvious differences between particular legal standards and practical methods in different countries, one of the most important elements of the lawyer's profession is that all lawyers have to understand their rules and standards, follow them without any exception, and make some obligations. For example, those countries that have suffered for improper behavior have to understand that there is a certain mechanism according to which lawyers are obliged to work. Notaries and lawyers themselves have to grasp those rules and in what way this understanding can be developed. It is obvious that the rules must be prepared very carefully, they have to be known to all lawyers and they should be very well investigated and analyzed. First of all it is essential in what concerns the legal ethics. We should understand that every day a lawyer faces plenty of tangled situations and has to make decisions relying only on his / her own perception with respect to the circumstances which he / she faces. Thus it is a process of reasoning and perception, therefore it is necessary to talk about education and training. It is important that students of Law and young lawyers had an opportunity to study Legal Ethics and to acquire experience from the experienced people who had been working in that area for quite a long time. In this way they could think over and consider particular situations and particular problems. This can be done in a variety of means. Many universities provide with scholarships, various opportunities for students to work with a practitioner lawyer, not necessarily full – time. There are several requirements for this. Students must take examinations and join special courses. For example, in the United States of America we have requirements for continuous legal education. I myself had such a pleasure. Every time I come back to the USA I have to attend such courses. I would rather visit my family and friends, however there is that very strict requirement that I took a certain course in Ethics every year for at least twelve years. Only in this case the expiration of my license is extended. I think, this could be done in Lithuania as well.

What did I mean by this? In order for the legal ethics to become a more vital and real principle, people should understand that those standards and rules could be applied every day, every time when a client makes a phone call, takes legal advice or even during

the lunch-time when a client approaches a lawyer and says, “I have a question, could you answer me referring to a certain law?” Thus these rules have to be implemented. Lawyers and students of Law have to understand how to apply this in practice and how to resolve technical problems arising every day by employing these rules. Thank you very much.

CHAIRMAN. Thank you. It would be useful to deliver a speech for Lithuanian lawyers, I guess. Would anyone like to start? Please, welcome. The Chairman of the Supreme Court, Mr. V. Greičius.

V. GREIČIUS. My dear...

CHAIRMAN. I would like to ask everyone. When you are speaking, please put the microphone closer, for our equipment is not sensitive enough. Thank you.

V. GREIČIUS. Dear guests, dear ladies, dear gentlemen! First of all let me greet you here in this meeting and thank you for identifying the problem and finding time to discuss it.

Law, justice and legal ethics in any aspect of a country is indeed worth to discuss. Therefore by understanding that this event is only introductory review that permits to purify Lithuanian problems more, I will briefly remind you some facts of our country and peculiarities of its legal system. I would like to speak more exactly about problems in courts and peculiarities of the development of courts. I think I will not go far away from today’s subject, because the main subject is law, justice and legal ethics in Lithuania. I guess, everything that is related to ethics and behavior of lawyers and procurators in the process as well as out of the process will be discussed by Mr. K. Motieka and I think Mr. Kovarskas will speak from the point of view of a procurator.

As I have already mentioned, I will speak about court affairs. I think it is possible to distinguish some ethical problems of judges. The new courts system, adopted in 1995 in Lithuania, has been valid since 1995. It means that this new system has been working for a little more than five years. The adoption of new – link courts is an important event in any country, for it is a new guarantee in the case of protection of personal rights and legal interests. The more legal guarantees and the more legal opportunities, the more justice and legality for everyone. I will not make a mistake saying that the arrangement of courts, particularly of new district courts, and the determination of the competence of the Appeal Court and of the reformed Supreme Court was one of the indices showing the maturity of the Lithuanian Republic, its claims and determination to become a truly European country.

As I have already mentioned, two new circuits have been operating in our court system for five years. They are the Appeal court and five district courts. The penetration of two new circuits into the Soviet court system that had been in operation by 1995 is significant not only in the institutional point of view, but for the distribution of competence among the courts and for the new opportunities to verify the decisions of lower courts. This, of course, is very important.

The implemented appeal and the real cassation, as I would say, classical cassation, not only separates arguments about the law and due to the fact, but what is of great significance is assigned to assure the same application of the law throughout the country. Therefore, the most important thing here is the formation of an institutional system of new contents with the improved first institution, new appeal and new cassation.

In addition, it is very important that it wasn’t forgotten the long experience of our country. It should be noted that it was found a meaning to recall the history of legal

thought, that is, to return to the court system that operated in 1940 and which several Lithuanian generations, unfortunately, didn't have an opportunity to have knowledge of.

It is worth to recollect that the very first attempts to reform the Soviet system were made pretty earlier than in 1995. Already in the Constitution of the Lithuanian republic adopted by the referendum on October 25, 1992 there was formed the legal Lithuanian system which component is the institutional arrangement as well as the court system. Actually, there wasn't such a success in the detailing of the constitutional regulations in the 1992 Law on Courts, which though recreated the pre-1940 system and their competence, still a big part of their regulations were not realized. That resulted from several circumstances that were not given enough attention at that time.

It wasn't noted that in order to gain social effect all the legal components of the system should be developed continuously – the institutional system as well as the legal system. There were not determined the priorities of this work. The coordination of the reform performed by the Ministry of Justice was ineffective. Moreover, it was lack of the new state administrative distribution, on basis of which the court reform had to be performed. Its project was in the process of preparation. It is also obvious that there was paid too little attention to financial and personnel aspects.

Though I agree that the court reform in Lithuania was begun with a delay, still I want to say that it was no way performed spontaneously, even if its conception isn't complete in itself. Perhaps it isn't necessary to point out, that I mean a bit delayed, programmed document, confirmed by the Seimas resolution on December 14, 1993 – that is, dimensions of the reform on the Legal system, that have been changed later on for several times and whose implementation was determined by a special State program. Essentially, the reorganization of court system has been lasting for three years. The constitutional court system began its operation, as I have already mentioned, only in 1995. The court system, consisting of four circuits (...) instances, even though being based on the continuity of the inter-war Lithuanian legal system and on the proved correct in practice overtaking of the experience of Western countries, is distinctive for its institutions, therefore, I dare to claim that it is unique. I am glad that the system of new courts being in operation as I have already mentioned for more than five years, nowadays, in my opinion, has to overcome certain challenges that have been given by the life. It is a fine achievement that was succeeded owing to bid efforts, brightness, tolerance and ability to foresee a perspective. I should only remind you that Lithuania is going to make a new step – to implement the institution of constitutional claim. The guests probably don't know what I mean by this. Today our ordinary citizens do not have a right to appeal to the Constitutional Court. I see this only as a big disadvantage. Personal application of a constitutional claim would be an effective guarantee of justice, confirmed also by Lithuanian people who are bringing a suit. It can be obviously seen by the opinion of the people who are bringing a suit and by the experience of other countries, I guess.

The five – year period, for which the new court system has been operating, is not a big period. However, it is sufficient to understand that the national reform on the court system is not solely institutional, but it is the reform in the field of law, I emphasize, in the field of law, particularly of the process, and there are not so many laws only to deny those process legal sources that have been leading the development of our process law for half a year, that the change in the names of laws or unimportant corrections without

changing the contents of legal control and mechanical transfer of other legal systems or other state institutions, not taking into account their objective systematic links, is not a reform, but in my opinion only an illusion at the very best.

We could see that any experiment about the court system or their competence has to be checked in order not to make a mistake. By the way, we have been so close to achieve justice in separate districts. I mean the period when the reform was performed and district courts were given a right to solve cases in the cassational form as well, not mentioning routine processes, directly related to the performance of justice, as well as corrections of the standards in the financial law.

Today, I think, we have touched very important and principal problems. In our country it has risen sharply real rather than declarative implementation of the universally recognized principle of the court equality. Everybody knows the December 21 of the previous year resolution of the Constitutional Court, whose pretty large number of regulations of the Law on Courts, as violating their independence of courts, have been recognized as contradicting the Constitution of the Republic.

I want to say that on the initiative of the Supreme Court a working group has been formed and they prepared... Already today a new, I would say, of new quality, project of the Law on Courts is prepared. I think, in the nearest future the Supreme Court will present this project either to the President or to the Seimas itself. Unfortunately, in addition to the new problems we still have the old ones. Insufficient quality of case trials, their delay and some other problems, which the new court system couldn't affect and which do not make honor to us.

Consequently we should mention certain questions about the ethics of judges. Lithuanian judges have their own Ethical Code, that is, a mechanism of disciplinary liability that is regulated by the regulations of the Law on Courts and of the Court of Honor. It has been regulated and implemented the so-called control of the administrative activity and the Court of Honor of Judges has been constantly operating for a while. Though taking into account the condition of the nowadays Court of Honor, I couldn't approve the existence of such court.

However, the ethics cannot be assured only by standard acts. It is very important that it was, let's say, internal moral of a judge just as proper conditions, for example, financial ones that would assure following of ethical regulations. Briefly, in this area today we face subjective and objective factors and it would be difficult to say which ones of them are more significant. I think, it is possible now to emphasize the objective factors. In particular, big working charges and lack of court premises. These premises are not sufficient also for the Supreme Court, and we can't solve this problem. A poor financial basis of courts has a particularly great effect on the opportunity to assure the so-called adequate process of law. How is it possible to speak about the ethics of any judge's trial, while the judge is forced to try a case in his / her office and plenty of case participants are waiting outside, and when because of large case overflow the terms of reporting the court decision are delayed? These are, of course, big shortcomings, however, I wouldn't be right if I didn't also notice the contrary. Our country is soon going to celebrate the 10 – year anniversary of the restoration of its independence. There are also significant changes in the field of the objective factors, which I have mentioned. Those guests, who didn't see the courts ten years ago, if they were able to see and to compare them with the present situation, that is, I would say, a tremendous difference.

Certainly, we can't not see inadequate behavior of the judges themselves. In this point of view I am a bit critical and I'm trying to be as principled as possible. There can be seen scandalous affairs in the behavior of judges from our country as well. There are less harmful misdemeanors, which are no way tolerated. I am certain that the frame of judges feels all of this in practice through the suing of a disciplinary case for improper behavior of judges in the process of the court session or at out-of-working hours, for the case delays and so on.

All I want to say is that there was everything in the process of the reform: big misunderstandings as well as principal mistakes, which in turn are related to the institutional competence, financial basis and with the selection of staff. However, as it is said, everything is fine that ends fine. Positive processes and rational decisions being in the process overcome the former difficulties and they allow thinking that the system operates without big troubles. I hope that the improved Law on Courts and the new codes of the court procedure, that are going to be adopted without any delay, will allow further improvement of our activities and pretty soon we will have an opportunity to make stronger summaries.

In conclusion, I would like to say that without any doubts at the present moment just as in the future it will be interesting and useful to find out interpretations of some problems. To get convinced that we are going in the right or wrong direction. It is definitely clear that the institutions which were discussed, and I hope, those which we will here about later are very well known to all the countries going for democracy, including Lithuania.

Another question is whether all the countries perceive their contents equally the same, if they are effective and sufficient. I want to assure you that we are looking for the answer to these questions. I have finished. Any questions are welcome. Thank you for your attention.

CHAIRMAN. Thank you. Mr. K. Motieka is willing to speak now.

K. MOTIEKA. I want to thank you for the opportunity to speak and first of all I would like to thank the Seimas of the Lithuanian Republic and the Community of the USA Lithuanians for this organized meeting that was about to happen a long time ago. We were waiting for such a meeting first of all, I think, from the European countries, however we are greatly happy and glad that the initiative was shown from the USA lawyers.

Here indeed were discussed very important and actual issues, however after I have listened attentively my former speaker's considerations about our laws and our ethical regulations, I found some intangibles and saving our precious time I would like to speak about them immediately. At first the former speaker was talking about the minimal ethical rules, created by the representatives of the European Union in 1977. I don't know if it is right evaluation. It would be great if we could get acquainted with such rules, in the case they were written in black on a white sheet of paper. In that case it would be possible to look for more details in these differences and to speak in more details about what should be done in Lithuania in order to achieve more similar or at least approximate laws to those of the European Union. I think, it is indeed very important. I am not saying that it is difficult to obtain these rules, however when preparing for this meeting, in my opinion, it should be emphasized.

I am not also very clear about what sources the former speaker relied on. From some statements I could understand that it was spoken about the Law on Lithuanian legal profession, from the other I could see that it was spoken about the rules of the ethics of Lithuanian legal profession. These are two very distinct points and I wouldn't agree that they could be interpreted in the same manner. For example, the former speaker raised a question that it is not known who can appeal against a lawyer's actions and it is not known who must decide whether a lawyer has violated the regulations or not. These questions are regulated in the Law of Lithuanian legal profession. We have our own statute, our own ethical rules and we follow them very well, on the other hand, we don't know what to do in order to make that our regulations didn't differ from the European Union ones.

That's one point. Now we speak about the fact that lawyers' independence in these rules should be considered. The European Union requires that lawyers didn't get any influence on. I would like to point out that our lawyers are in favor of this regulation, and we are in constant fight for this. Still I can't quite understand how we could hope to remain unhurt, when the speaker suggests that such ethical rules for lawyers have to be determined by the Lithuanian Government. As I see all this, speaking about lawyers' professional ethics, first of all we should save the autonomy of legal profession and its independence in order to make the lawyers solve these problems themselves. I can't quite understand all this. Perhaps there are some other regulations.

I don't want to put myself into the court activities, however these days one of our major problems is to achieve that courts became the third constitutional power. They are not quite independent from the Government and from the executive powers, still these problems are being solved and, in my opinion, with help of the European Union this process will be much quicker.

It was spoken about the money and importance that a lawyer didn't mix his own money with that of a client. This is such an elementary rule that, in my opinion, it's not worth our attention in the meeting. Especially as these questions are regulated not only by the law but, as I have already told, also by our ethical rules, and we watch strictly that this wasn't done. Lawyers pay taxes, they have an opportunity to determine their own fees and I think everything has been clear in this field so far. Especially when all this is under a strict control.

Further it was spoken about the fact that all the lawyers have to be insured and that this is one of the shortcomings, unlike Lithuania. Speaking about the Law on Lithuanian legal profession and its 1999 edition, then this law indicates that lawyers definitely have to be insured. This insurance of lawyers' professional activity is essential. Therefore I am not quite sure what sources the speaker relied on. I don't really want to contradict her and so on, I just want to draw your attention once more to the fact that it would be great if we could know for sure what is good and what is bad with us. And later on we were able to correct these problems.

On behalf of Lithuanian legal profession I would like to thank one more time the organizers of this event. I think this will be very beneficial and it is the first step, and it will further go on. Thank you for your attention.

CHAIRMAN. Thank you. Now I would like to invite the Minister of justice G.Balčiūnas.

G.BALČIŪNAS. Good afternoon, my dear colleagues and guests. I am very glad having an opportunity to discuss the lawyers' ethics and the public influence on the legal system. Nowadays it is a very actual problem and it is being discussed very widely in Lithuania. A few days ago we finished a conference that took place in the Ministry of Justice. It was an international conference "The influence of the lawyers' ethics and the public opinion on the legal system". It was organized by the Eastern and Middle European legal program of the American Lawyers' Association (...) and by the Vilnius University, the Institute of International Relations and Political Science, as well as by the Center of Legal and Democratic Development in Lithuania. We are really glad that this conference saw a great number of the Seimas members, lawyers, politicians, Government representatives and other persons concerned.

It was already mentioned that the Lithuanian Republic announced the restoration of its independence and began the reorganization of all the fields of life only ten years ago. Soon we will celebrate the Day of March 11th. In the process of reorganization lawyers got an especially difficult mission, because the arrangement of the legal system is one of the basic state foundations. Only a legal country has a real chance to protect its rights and violated freedoms, only in a legal country there can be met respect to laws and unconditional execution of its laws. In my opinion, during these ten years we have significantly moved forward. Lawyers just as the entire legal system had to adjust to the constantly changing situation in order to accomplish adequately their duties and to maintain the public confidence. And not only laws but also legal institutions, in particular courts, which were mentioned by the Chairman, were and still are in the center of global interest and concern. Today it is of particular importance for us not only to adopt and adjust the laws according to the European Union standards, but also to establish adequate legal institutions and other elements of the legal system, in order to make all the presumptions and opportunities for the citizens to protect their violated rights and interests, that are protected by the law.

(...) Convention is open to non-EU states as well, however the basic requirement to join it is that the legal system of the country that wishes to join met the standards of justice and effectiveness. Citizens must trust in the state's ability to assure a just and safe legal system that is implemented by honest, competent and independent lawyers who execute the present laws. Only such a legal system can maintain the development of the whole state's life.

In the point of view of morals, the lawyer's profession is distinctive, and lawyers therefore respecting the legal norms and executing the justice have to be loyal to the given vow. The characteristics of the lawyers', and first of all of the judges', professional features comes from the close mutual relation between the morals and law. Moreover, it is always preferred that they behaved irreproachably, wherever they were – at work or not. There is always something like a rule that a person who executes the justice has to be self-controlled, moderate, polite, tactful, ambitious, able to act in adequate and right manner in any situation however difficult it would be. Usually the public opinion is formed on the basis of real cases and certain activities of judges, lawyers and notaries, and this is natural, I guess. At the moment mass media and public pay much attention to the activity of such institutions.

I would like to say, as it was already told, that the guides of the legal system reform were confirmed in the dimensions of the legal system reform and we have already the

second edition of them. As I have already mentioned, they point the basic issues of the reorganization of the legal system. We are now ready to overlook once more the entire legal system and to hold four conferences, to be more precise, one conference consisting of four parts. The first part (we have already agreed upon) will take place on April 20 in the Seimas, House III. It would be a conference about the promulgation of legal acts and about one of the major elements of the legal system. In June we might have a conference about the reform on legal institutions, because as I have mentioned the development here is rapid as well and the reformed institutions are developing and changing very rapidly. We put out two conferences till the autumn. They will include other parts of the legal system, that is, practice in courts, lawyers' ethics, lawyers' education, doctrine and other questions.

Speaking about different lawyer professions, I would like to say, as the former speakers have already mentioned, that courts have been chosen as the major part of the legal system institutions. At the moment the court system shows the biggest progress in the point of view of its reform. I think, the newly prepared Law on Courts will finish this reform and courts will definitely become an independent and separate power from others.

I want to say that courts, as it has been mentioned, also have their own code of honor and court of honor. It was of course the operation of the court of honor, when there was established a separate court for five hundred judges that operated directly rather than publically, that made a basis for such an interesting situation. Despite of this, that court sometimes wasn't so overloaded and it executed other activities, including the summary of cases, statistical collection and others, however we think that such court will not be necessary in the future. This work can be done by judges themselves, meeting once or twice a week whenever necessary. I think, the ethical norms of judges are formed enough in the Law on Courts as well as in the rules of judges' ethics together with practical experience of the court of honor of judges.

What concerns the legal profession, I would like to note that it is controlled just as a legal institution not solely by the Ethical code of lawyers. First of all there is the Law on legal profession, next comes the Ethical code of lawyers, there are also approved recommendations about the payment for the lawyers activity. Speaking about any of these systems, we most probably should overlook all these standard documents that control that legal system at the moment. It has already been told that it is not worth talking about the insurance, for an uninsured lawyer doesn't have a right to take up legal practice, just the same as it doesn't have such right not meeting all the office requirements, established by the Law on legal practice.

I want to say that the notary system is also formed well enough and at the moment it is controlled by the Law on Notarial profession together with a large number of post-law documents. There are also the Code of the notary ethics and the court of honor of notaries that in the same way solve their professional problems.

Perhaps at the moment there are no sample rules of the professional behavior of lawyers in Lithuania, that would be common to every lawyer profession. I think, this situation can be easily improved. We have the Society of lawyers that operates well enough. The Ministry has signed a memorandum of cooperation with this institution that comprises all the lawyers. I think, in the nearest meeting of the Society of lawyers these questions can be easily raised (more as these questions have begun to rise naturally) and it can be adopted typical exemplary rules. These rules might actively be considered by

the public society, because as I have already mentioned lawyers work for the society and with the society.

Thus I am very grateful for being invited to this meeting. I heard indeed a great vastness of reasonable suggestions and wishes. I wish you all a success in your work. Thank you.

CHAIRMAN. Thank you, Minister.

Is there anyone else who wants to speak about this, ask a question or make a comment? First of all, of course, we'll let to speak the members of the Committee. Please, welcome Mr. V. Maciūnas.

V.MACIŪNAS. As I understood from his remarks, there is much else what was thought to be done and what was explained not so clearly. Nevertheless, I am raising such a question. Do you think that the Lithuanian society perceives the adherence to principle of lawyers' rules and takes in the basic concepts of these rules? Do the society itself and its ordinary man also feel and understand what guarantees the rules of the ethics of legal profession (ethics of lawyers) can give?

G.ŠVEDAS. Because of all this I was speaking in the form of question, if I can say this. Speaking about the Law on Lithuanian legal profession, the laws are announced publicly, and they are very well known to everyone. Speaking about the rules of the lawyers' professional ethics, this is the internal matter of the legal profession and we have published these rules neither in the "Valstybės Žinios", nor anywhere else. Frankly it is not a big deal, they can actually be published or not. It is we who determine these things, nevertheless, if Lithuanians apply to a lawyer, they know very well what to expect from him. Nowadays we do not have such problems, when they come to a lawyer and don't know what will be done with them and what to expect from lawyers. I emphasize that we do not face such problems.

V.MACIŪNAS. I am not a lawyer and my experience... I can notice that there are some hieroglyphs in this table that ... remarks of other speakers. Being an American citizen I can understand these ethical rules without being a lawyer. I wonder if you work with Lithuanian citizens, it can be obviously seen that Lithuanian citizens have a deep notion of the ethics of lawyers.

G.ŠVEDAS. It is a very subjective point of view. Some people can understand all this, others who are not so intelligent may not understand. And I am saying that when a person applies to a lawyer we do not have such problems. It is not due to the fact that we are hiding something it is because of normal relations between a lawyer and a client. There are several exceptions when our court of honor also has some work to do when the Board of Lawyers has to consider the unethical behavior of lawyers and so forth. Still there are no such cases when people are not informed or do not take in this matter. Similarly, when people come to the waiting - room of a judge, they are welcomed there. In this case, can we say that they do not know about the ethics of judges and how the judge can treat them? Then they apply to the Public Prosecutor's Department and later to the police. They know where they are applying to and what they are applying for. If they apply to the wrong institution they get an explanation where apply to.

CHAIRMAN. The minister G. Balčiūnas.

G. BALČIŪNAS. I would like to add something. Perhaps some problem still remains about the announcement of legal acts, because here in Lithuania acts are announced only in the case when they are confirmed by the State institutions. It can be

formulated like this: the Law on Legal Profession is necessarily announced because it is a law; the regulations on legal profession is also announced in the “Valstybės Žinios”, because they are adopted in the meeting of lawyers and confirmed by the Minister of Justice. Recommendations about work payment are also announced, for they are approved by the Minister of Justice with regard to the Board of Lawyers. However the ethical rules, though being adopted by the Board of Lawyers itself, haven’t been announced, as I remember. Though you have mentioned another much bigger problem, that is, the problem about the global legal education.

Legal education is one of the components of the legal system. Unfortunately, in the dimensions of the Legal reform, if you look at them (what was prepared in 1993 and 1998), there isn’t much said about the legal education. If you take a look at our budget and how it is formed, you will not find anything about the money spent for the legal education. We here encounter a huge problem when we ask for money for the legal education and when we do not get it, and in our case we do not have many chances without the money. For example, today I am meeting the “11 K” channel TV. We are going to make a lawyer show about the legal education, nevertheless I don’t really know how we are going to set up with this TV without any money. Therefore these problems are really very actual nowadays, and especially the problems about the legal education. Very important.

CHAIRMAN. Mrs. R. Narušienė.

R. NARUŠIENĖ. First of all I would like to thank the Chairman of the Supreme Court Mr. V. Greičius for his splendid explanation. You have defined the present legal system very precisely, I guess. We can really congratulate ourselves that the court system has made a huge progress since the independence of Lithuania. We can therefore congratulate ourselves and boast for this. I agree completely that the the system is already operating, though its execution has to be improved a little bit. Thus if we can serve you here as the Committee, please don’t be shy, we will try to do our best to help you.

Now I would like to draw your attention to some questions that were raised by Mr.K.Motieka. I am holding now in my hands the Code of the European Union, related to the behavior of lawyers in the European Community. Thus if you are interested and if we could find were copies are made, I have 11 pages what the European Union requires from other countries that are willing to join the Union. This document really exists. We will, of course, be very pleased to hand you this document in English in order to compare it with your present code. Furthermore, I would like to give you some remarks.

I want to make use of your code that was adopted in the meeting of lawyers on May 21, 1999. She has compared the adoption of that code with those requirement sof the European Union in order to give you an answer. In addition, I have the adoption of that Conference of Lawyers in English, if anyone needs, because we have translated it into English as well. Can I give you a question in order to get acquainted more myself? The Code of lawyers and the Code of their behavior is adopted by the lawyers themselves, as I can see it. They determine their own standards and ethics. Whenever they make a violation, then the Society of Lawyers and Advocates has its own court of honor that makes all these decisions. Am I right?

G. BALČIŪNAS. In Lithuania we have two different concepts of a ‘lawyer’ and an ‘advocate’.

R. NARUŠIENĖ. Yes, I can see this.

G. BALČIŪNAS. All the lawyers are lawyers and judges, besides, there are determined certain requirements for advocates in order to put them into the list of advocates. So I didn't understand if you were talking about the Society of Advocates or Lawyers?

R. NARUŠIENĖ. We are talking about advocates. But for me it is important now in the case when someone makes a violation, for example one of advocates, what is the procedure?

K. MOTIEKA. The Board of Advocates considers whether to sue him a case of honor or not. If the case is sued, it is tried in the Court of Honor of Lithuanian Advocates.

R. NARUŠIENĖ. And what then, if the advocate is not content with that decision? Where does he appeal?

K. MOTIEKA. He appeals to the court.

R. NARUŠIENĖ. What court? To the Supreme Court?

K. MOTIEKA. Not to the Supreme Court, to the Court of the first instance.

R. NARUŠIENĖ. Maybe the Chairman of the Supreme Court is willing to answer this question?

V. GREIČIUS. What else to add to the words of Mr. K. Motieka? Every citizen in our country as well as an advocate in the case of disagreement with the penalty can appeal to courts of general competence. That is, of course, to the court of general competence, to the court of the first instance, as Mr. K Motieka has told, meaning the court of the lowest level, to the court of regional district and there this problem is solved. If he is not content, please, be so kind to go further in the cassational order. There is the Appeal...

R. NARUŠIENĖ. Then he must go through all the courts.

V. GREIČIUS. Yes, he must. The same is applied to the violations of judges. If judges are determined to make a violation in their professional activity, or to humiliate the name of judge, or to be careless in work, there are sued disciplinary cases. By the way, such a disciplinary case can be sued for a judge in our country only by the Chairman of the Supreme Court at the moment. There are some amendments meaning that there will be more officials who will be able to sue a disciplinary case for a judge. Thus a judge in the case of disagreement with the decision of the Court of Honor (judges have been an exception in this case so far) can appeal against this decision to the Senate of the Supreme Court. After deep considerations in this field the Senate of the Supreme Court makes a decision about this problem. Thank you.

R. NARUŠIENĖ. Can I have one more second? I want to ask about those rules of behavior and the ethical standards. I understand that advocates themselves and the Society determine those rules and ethical standards. Does anyone looks over them and confirms them, for example a court or the Ministry of Justice, or only advocates themselves determine and execute these rules?

K. MOTIEKA. When considering ethical rules, advocates rely on the Law of Lithuanian Legal Profession. It is impossible that these rules didn't meet the requirements of the law. These ethical rules pay more attention to the behavior of advocates and so on. However, we do not make more rules out of the scope of our legal profession. And we do not need anyone for their approval. In that case we would lose our self – dependence, which we had been fighting so much for.

R. NARUŠIENĖ. Thank you.

CHAIRMAN. Further we have Mrs. L. Rugienienė, later on the member of the Seimas N. Ambrazaitytė, and then Mr. Sijo.

L. RUGIENIENĖ. I will speak very briefly. Since we have here the Chairman of the Supreme Court, I have a question which has always been very important to me, besides, you have already talked about it a little bit.

In the West there are very often criticized courts in the post – soviet countries. One of the main reproaches. My question would be, not comparing with the West, where the courts had so much time to develop, for example, if compared with Poland that has recently been accepted to the European Union and NATO, or with the Czech Republic, though it has been very criticized lately, or maybe with Hungary, what position the Lithuanian courts rank, in your opinion?

V. GREIČIUS. First of all I have to thank you for a great question. Have an honor to take part and meet with lawyers and colleagues from different countries, most often I have to communicate with the European lawyers, European judges, judges of Supreme Courts and chairmen of Supreme Courts. The last meeting was last year, in October. In Ljubljana, Slovenia there was the fifth conference of the chairmen of Supreme Courts. It was a conference of all the European countries. I took part in all the five conferences. Firstly these conferences intended, as it was the period when legal systems were in the process of creation, to find out what new and good we could give our court system. What democratic, European and new could we bring to our court system? For, as you already know, we have to break up this Soviet mechanism and structure. It is now being broken up and the law is being created. That is, the Civil Code and the Code of Procedure, the Criminal Code and other codes.

Communicating with my colleagues I also meet representatives of the Supreme Court itself. We have recently welcomed a delegation of German judges together with the officials from the American Democracy Center. During the conversation I can discover a very interesting thing. I would say our country had a unique opportunity to create an advanced court system. A very advanced court system, because the mechanism is being broken up and a new one is being created. Actually, we have brought to our courts what is best in Europe. Of course, by maintaining our originality, which I have mentioned, we have made use of the post – war experience and inter – war experience of Lithuania.

How do they look at us? Talking with Germans, French people and with representatives of the so-called old democratic countries, I could say they look at us with some jealousy. Since we actually are in a unique situation and are able to create an exemplary court system, which has essentially been already done. Moreover, the competence of separate links is arranged as well. Representatives of the western countries and I notice, what I am telling them, that your mechanism and your machine have become old because of conservatism, for this system, in Germany for example, or in other countries has been already used for a while. They recognize it completely and they speak not accidentally about the reorganization of the French court system as well, as of Germany and Great Britain, etc. They now need to repair their machine while we will soon finish our machine.

We lawyers and sometimes politicians argue too much only within our country and because of this very often we do not notice what good we have already created. As I have already mentioned, we have created indeed a good system.

L. RUGIENIENĖ. Thank you very much. We are not able to set up entire Europe, even if we tried.

CHAIRMAN. Please, welcome the member of the Seimas N. Ambrazaitytė.

N. AMBRAZAITYTĖ. I would like to give a question perhaps to honorable G. Balčiūnas, for there were given remarks and I think foreigners and foreign lawyers are not quite sure what is it in Lithuania and how everything is done. That's the first question. I would like to ask once more. Do Lithuanian judges and advocates have an opportunity to improve and how this happens? How do they improve, do they take any lectures, do they communicate with international legal organizations? Are there such relations? Although you have already told something about the legal education. That would be one.

I would like to dedicate the other question to honorable advocate K. Motieka. At this moment as we all know a law is already approved and signed by the President. The main point is that the procedure can be carried out without presence of the accused in the case of health problems. What do the advocates think of this, because the USA does not have this (or maybe I am mistaken)?

G. BALČIŪNAS. Thank you for the question. In 1997 it was established the Educational Center of Judges, whose major part of premises are in the Supreme Court and part of them is in the Molėtai district court. As I know, one organization has terminated its work now and another has begun its activity. With help of the invested capital of the USA Government, there was established a computer room having 11 computers where lessons can be constantly carried out. The premises are not bad, the education of judges does on periodically and all the judges generally take part in this education.

We hold a variety of international conferences, we get a great help from the Fund of German Cooperation *Stieftung*. With help of it we hold international conferences also to neighboring countries, because it is very convenient and they really show a big interest in this. As I have already mentioned, we also organize another conferences. I must say that we have a close relationship with various funds, because the money for the education of judges and other lawyers is not sufficient. We get a great help from the Program of the Development of the United Nations, as I have already mentioned this, (...) and from the Open Lithuanian Fund. Basically all these donors assure that we were able to educate our judges. What is more, a great number of judges are able to continue their studies in Germany or somewhere else abroad. So there is not a big problem about this.

As I have understood, the other side of the question was about the private activity of foreign lawyers in Lithuania. This situation is not covered completely. We have already talked to the Board of Advocates and proposed some people to the working group and we are going to try to create a new law on legal profession or to make amendments. We are not eager to create these laws every year and to change the system so often, unfortunately, the country is in such level that everything is changing very rapidly. The present law does not provide with perfect accounting of direct work in legal profession. Now we have the Office of Advocates, which leads to a two-fold situation when taxes are calculated to every advocate personally. The Office of Advocates is like a subject, however it does not exist for accountability of taxes and this causes severe problems. Other things also were discussed after the implementation of a new Law on Legal Profession on April 1, 1998. I say 'new', nevertheless, it causes some problems as well.

All the lawyers who had a license... And the previous structure was that lawyers who wanted to take up rather commercial and business law they usually had a license and could serve companies. There was a so-called organization of jurisconsults, unfortunately it has disappeared and actually only the new Law on Legal Profession and its amendments grant an opportunity for those lawyers who had a license to become an advocate on favorable terms, and since then there have been over 300 sworn advocates and licensed lawyers who have become advocates. The civil procedure with certain exceptions does not need that a representative person was not necessarily an advocate in the court, except for the Supreme Court, the cassational instance. Unfortunately, according to present rules of business licensing, in order to take up a lawyer's practice one does not need to have a license or another permission. Despite of this, it is not a good and completely set up thing.

K. MOTIEKA. May I? Following the theme of the honorable minister I would like to remind you that in 1990 Lithuanian legal profession was accepted in the International Association of Lawyers. For this we should thank the French legal profession. Speaking about present days, at the end of March of this year it is being organized a big conference of Scandinavian advocates just for the ethical problems. This conference will be held in Stockholm and later on in Helsinki, Finland. We also are going to take part there. We are not thrown apart from the activity of the European legal profession, we try to involve ourselves more and more and we want to achieve bigger experience.

Now let's move on to the question that you gave me. By all means I am in favor of this law, nevertheless, I am not satisfied with it at the moment, because this law has been adopted despite the fact that according to it an innocent man cannot get his honor back in the case when being sentenced wrongly. This is why. According to the law that has been adopted today it is made a sentence in the point of view of a person, unfortunately this decision hasn't been implemented yet. It is written there that when a person gets well, then he has a right to appeal against this. I cannot imagine how, for example an 85 or 90 year – old person, who is ill and whose disease is not cured, can appeal and write such an application. Nevertheless, the decision has been adopted but not yet implemented. It means that if a person is innocent he by means of this decision is humiliated and cannot get his honor back because he is ill. You see, this is a tremendous problem.

You say that the USA does not have such a law. I can completely understand this, nevertheless, let's not forget that Americans have not survived the genocide and that they have completely different conditions. How can therefore exist such a law there? Of course, it would be awful, but still we cannot transfer all this mechanically to those countries that have seen the genocide and culprits have to be prosecuted. I can see a severe problem in this, I have stated my remarks in written and I wanted such a law which was implemented according to the law and finally recognized as a law or similarly. If a person cannot take part in a meeting of a court, this is no way an exception, a mental patient for example does not take part as well, but in that case cases are tried and compulsory treatment is assigned. It is not necessary for him to take part. There are also some other cases. I think it is not as big problem as big thing is made really. Thank you.

CHAIRMAN. Mr. V. Greičius.

V. GREIČIUS. I will speak briefly about the education of judges. In my opinion, we should work more in this field. First of all the education of judges is so spontaneous, unplanned and non-systematic. I think, after graduating from the university it is still too

early to become a judge. I think, after the graduation they should take up general concentrated studies, in relation with the future job of a judge.

The second moment is that in order to improve the legal education the mistakes of judges should be analyzed. Some judges make one mistakes and others make quite different ones. Thus they do not have the same knowledge about the laws irrespective of whether they are administrative or procedural laws. After the analysis of the mistakes has been made, these judges should be invited and educated in these field whee they make most mistakes.

The third moment is that the education has to be improved. As I have mentioned, Lithuania now has four level courts: district, regional district, Appeal and Supreme Courts. I would say that there is a large basis that does not need any money. The future judges ought to finish their studies by getting more experience and to make use of all the levels in order to see how the case is tried in the first instance and how it is finished in the Supreme Court. It would be very useful. At the moment the Law on Courts only touches the theme of candidates to judges. It assumes candidates to judges for a certain period. He usually learns, improves and gets preoared for the future job of a judge only in the lowest level. I am not quite in favor of this. I would like to repeat myself once more, that is must be worked out more.

CHAIRMAN. Now please welcome (...).

... (Not heard)

... As I have already mentioned, the Educational Center of Judges was established in 1997. Here we are the six organizers: the Supreme Court, the Ministry of Justice, the Association of Judges and three funds. I think, in the future this organization will have to be reorganized, since its control with such a number of organizers is getting impossible. This is one thing.

The other thing is. Perhaps we will need... We insist and in any case the Government and the Seimas will have to foresee in the budget a separate line for the education of judges in order not to go with bags as beggars and not to ask for the money that has to be assumed in advance. These programs are made for a year, more precisely they are made by the Educational Center for a year in advance. Of course, later they must be made longer, for some questions arise. In this manner I would say that the Educational Center does good work. Now the only problem is that the Director of the Center has gone His responsibilities temporarily are given to his assistant, despite of this the Center does work. I myself checked their work last week and know that this week in Molėtai... especially into the computer room. There are registered some people also from Kaunas... As we are informed, nine more judges are coming to learn. They started the esucational program on Monday. That's all, I guess. As I see it, we have a huge perspective... However, this organization should be controlled by two separate institutions: the first should be the Ministry of Justice and the other could be either the Supreme Court or the Board of Judges, in other words a legal institution.

CHAIRMAN. Since we are short of time, I will not add any new names to the list. Now please welcome Mr. V. Maciūnas.

V. MACIŪNAS. I would like to come back again and to get some explanations. (Not heard)... about the ethical rules. If I have understood it right, the ethical rules... and announce, still I have also understood that moving on to... we will need to compare them in order for these rules to be set up. The advocates will announce and give the copies to

the Committees of the European Union, nevertheless, the Lithuanian citizens do not have a right to get. Am I right or not? Why? I am not making comparisons, even if so, why... our... have ethical rules that are the foundation in getting a license for practical activity in our own country. They should be announced in public. I also do not understand that loss of self-dependence, which you have mentioned.

K. MOTIEKA. You see, you have only the rules, but you probably don't have the law. You don't have the Law on Engineers when we have the Law on Legal Profession. The law has been announced and then we created the ethical rules on our own. Without any doubts, if the European Union requires that they were announced we are not hiding them. We can put them on the walls in our offices, in the newspapers, etc., however it does not mean that we keep them in secret.

... I would like to add. Sometimes it is confused. In Lithuania there is a Law on the Validity and Announcement of Legal Acts. All I want to say is that, according to the law institutional post-law documents of the legal profession and standard documents that control the legal activity do not have to be necessarily announced in the "Valstybės Žinios". If they are confirmed by the order of the Minister or somewhere else, then they are announced according to the compulsory order, however by no means they are kept in secret and it is definitely possible to take a look at them. I just want to draw your attention to the fact that the legal activity is controlled by the Law on Legal Profession, as well as by the regulations on Legal Profession, ethical rules of advocates, procedural codes and by other documents. We can't take separately ethical rules of advocates and look only at them, do you understand? This is the whole system of legal acts and you have to look at it whether these things are controlled or not.

CHAIRMAN. The member of the Seimas S. Daubaraitė.

S. DAUBARAITĖ. I just wanted to remark about what Mrs. N. Ambrazaitytė was asking – about the adopted law when the accused does not take part in the procedure of the trial. There is such a law, which cannot be found not only in other countries, but either in the whole Europe. Mr. K. Motieka states that there are different conditions. Europe has seen alike things for sure, and these problems have been solved without such law. This law does not suit in the 21st century, especially when a person accused of severe crimes cannot take part in the trial.

K. MOTIEKA. I am sorry. If I may, I will be brief. I completely agree that it is not quite suitable, however we have to choose the best out of two bad things: the genocide or this law. I think, there cannot be any comparison between the genocide and this law, still we have to do something against criminals. There cannot be an obstacle for this such as prescription or any others. Everyone has to pay for the crime committed. Unlike the European countries that had an opportunity to solve many cases much earlier, we didn't have such an opportunity. Today we are delayed only because of the fact that we do not have such a law. This delay is not in favor of the democracy. Thank you.

CHAIRMAN. Thank you. Now the last chance for Mrs. R. Narušienė.

R. NARUŠIENĖ. It is always a pleasure to say the last word. Here again I would like to support the Chairman of the Supreme Court saying that you are right about the fact that Lithuania had an opportunity to create a great legal system, and it is trying to do this now. I congratulate you one more time.

Also I would like to confess that the US system is already old and has to be reformed. Unfortunately, it is sometimes more difficult to carry out this reform under our

conditions than under yours, because you have just restored your independence and such an opportunity appeared. Congratulations about making use of this opportunity. Now speaking about the ethical rules of advocates, we that is advocates from other countries encounter a big problem. When our clients in America apply to us and ask us to represent them, we answer that we do not have competence to make this representation in Lithuania and therefore we are willing to hire an advocate from Lithuania. However when we are not able to find out what are your ethical rules our cooperation becomes impossible. I had been trying to get these rules myself for half a year and succeeded in the USA Embassy. You know such work is too hard for us. Those rules could be (as every country has, I think) written down in a book and not only in Lithuanian, but also in English, German, French, etc. in order to carry on international business and cooperation with foreign lawyers, otherwise there won't be any business here.

CHAIRMAN. Please, go on.

K. MOTIEKA. You see, if in your opinion it is possible to cooperate on the basis of the ethical rules then I am afraid you are mistaken. Because first of all our foreign colleagues and we should rely on the Law on the Legal Profession of the Lithuanian Republic rather than on the ethical rules. This law controls all the questions, in particular relations with clients as well as among the lawyers or any other institutions, that is, everything. You will get all the answers there. In the ethical rules, on the contrary, there will be written: if an advocate was drunk or if he came to the meeting having hangover he will be punished so and so. So can you decide that if, for example, the punishment is stricter we will cooperate and if it is softer we will not cooperate? (A noise in the Hall)

CHAIRMAN. I think we will finish on this. In my opinion today we have seen that different experience can also influence our reasoning. We see different things differently, I guess. The US Lithuanians, for example, think for sure that if we do something good and prepare the rules that will make us better, we will announce them to the whole world. Here in Lithuania, if the law does not require a certain point we are not so eager to accomplish it. We Lithuanians have scattered throughout the world and have various experience, thus it is useful, I think, to come up together, talk a little bit and find out what is being done elsewhere, what is thought about these problems elsewhere, and we could also make use of reasonable points here in Lithuania as well. And when we make these things better, as the Chairman of the Supreme Court has told, only then others will be able to learn from us. And it happens surprisingly often, especially when they discover that there are useful things worth of attention in Lithuania as well. So I would like to end our discussion optimistically saying that there is always something in all the fields what we could learn and accomplish by cooperating with others. Thank you very much.